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biling with a friend, stopped a short distance from defendant's double tracks to wait for a freight train to pass, and then started across without noticing an approaching passenger train on the other track, which struck his automobile, threw him out and injured him. He could see up this track only a very short distance from the point where he stopped to await the passage of the freight train, and made no subsequent stop at a more advantageous position to safeguard himself against danger. The court, holding plaintiff guilty of contributory negligence, and referring to the peculiar dangers incident to automobile travel, remarked that the driver owes a positive duty to stop, look and listen at a time and place which will insure knowledge of any approaching train

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Negligent Injuries to Recipient of Charity.—A three-year old child accompanied his uncle, who was twelve, to a factory, the owner of which gave away empty barrels to poor people for use as kindling. Reaching there during the noon hour, while the servants were at rest, the older child gave one of them a nickel for his own use, and requested him to throw a barrel from the loft. The barrel struck and seriously injured the younger child, standing in the street. In Wallace *v.* John A. Casey Co., 116 New York Supplement, 394, the questions arose whether the servant's act in throwing out the barrel was done within the scope of his authority and within the line of his employment, and whether the doctrine of respondeat superior applied. The question involved has never before been raised. The New York Supreme Court remarked that there can certainly be no principle of natural justice which would require one engaged in charitable work to be liable to the recipients of his charity for the wrongs of others, if he use reasonable care in the selection of the means, and is guilty of no wrong himself. Holding a defendant liable upon the facts disclosed would be so shocking to a sense of right and wrong that the rule of respondeat superior cannot be extended to this case, and respondent cannot recover.

Athletic Association is Part of a University.—During a football game, conducted under the auspices of a university athletic association, one who had paid the regular admission fee was injured by the collapse of the structure on which he stood. From a judgment for plaintiff the association appealed in George *v.* University Athletic Ass'n, 120 Northwestern Reporter, 750, respondent's contention being that appellant was an association of individuals under a common name to promote athletics, and as an incident thereto to give exhibitions of games for profit, and that the fact that its membership was drawn from the faculty and students of the university did not change its essential character and make it a part of the university. The Supreme court of Minnesota, in an opinion from which two of the judges dissented,